

## Message Text

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ACTION DHA-02

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-04  
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01  
SP-02 SS-15 USIA-06 AF-10 ARA-06 EA-07 NEA-10  
AID-05 OIC-02 /113 W  
-----051255Z 014728 /43

R 051215Z MAY 77  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC 3506  
INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A  
TAGS: SHUM, CA' UN, UK  
SUBJECT: UK RATIFICATION OF UN COVENANTS ON HUMAN  
RIGHTS AND OPTIONAL PROTOCOL

REFERENCE: (A) LONDON 2269; (B) STATE 24617;  
(C) 76 LONDON 13312; (D) STATE 206848

1. FCO UNITED NATIONS DEPARTMENT HAS NOW DELIVERED TO  
US DOCUMENTATION ON THE UK RATIFICATION OF THE UN  
COVENANTS ON HUMAN RIGHTS AND OPTIONAL PROTOCOL. WE  
QUOTE BELOW THE RELEVANT PARTS OF THE COVERING LETTER.  
WE HAVE POUCHED THE SUPPORTING DOCUMENTATION TO IO/UNP.

2. QUOTE: THE UNITED KINGDOM TOOK AN ACTIVE PART IN  
THE PREPARATION OF THE UNITED NATIONS COVENANTS ON  
HUMAN RIGHTS. SHORTLY AFTER THE COVENANTS WERE ADOPTED  
BY THE GENERAL ASSEMBLY IN 1966, A WORKING GROUP OF  
OFFICIALS FROM WHITEHALL DEPARTMENTS WAS ESTABLISHED TO  
CONSIDER THE POSITION OF THE UNITED KINGDOM, AND IN  
CONSEQUENCE OF THE WORKING GROUP'S REPORT THE UNITED  
KINGDOM SIGNED THE COVENANTS (BUT NOT THE OPTIONAL  
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PROTOCOL) ON 16 SEPTEMBER, 1968. A NUMBER OF RESERVA-  
TIONS WERE ENTERED ON SIGNATURE. SIGNATURE IMPLIED AN  
OBLIGATION TO EXAMINE IN GOOD FAITH THE POSSIBILITY OF  
PROCEEDING TO RATIFICATION, AND THIS POSSIBILITY WAS  
PERIODICALLY REVIEWED AT OFFICIAL LEVEL. THE WORKING  
GROUP CONDUCTED A COMPREHENSIVE ASSESSMENT OF THE QUES-  
TION OF RATIFICATION OF THE COVENANTS IN 1974 AND

RECOMMENDED THAT IT WOULD BE PREFERABLE TO DEFER A DECISION. CONSULTATIONS WITH THE DEPENDENT TERRITORIES ON RESERVATIONS WHICH WOULD BE NECESSARY TO COVER THEIR POSITION WERE INSTITUTED.

IN MAY, 1976, BRITISH MINISTERS DECIDED IN FAVOR OF EARLY RATIFICATION AND THE UNITED KINGDOM DEPOSITED OUR INSTRUMENTS OF RATIFICATION ON 20 MAY, 1976, WITH THE SECRETARY-GENERAL. BY RATIFYING ON THAT DATE THE UNITED KINGDOM ENSURED THAT IT WOULD BE ENTITLED TO NOMINATE A CANDIDATE FOR ELECTION TO THE COMMITTEE ON HUMAN RIGHTS, ESTABLISHED UNDER THE COVENANT ON CIVIL AND POLITICAL RIGHTS. AT THE SAME TIME IT WAS DECIDED THAT ALTHOUGH ARTICLE 41 OF THE CIVIL AND POLITICAL COVENANT (STATE-TO-STATE COMPLAINTS) COULD BE ACCEPTED, THE OPTIONAL PROTOCOL (THE RIGHT OF INDIVIDUAL PETITION) SHOULD NOT BE RATIFIED, AT LEAST AT THAT STAGE.

UNDER THE CONSTITUTIONS OF MANY OTHER COUNTRIES. THE PROVISIONS OF A TREATY WHICH HAS BEEN RATIFIED AND ENTERED INTO FORCE FOR THAT COUNTRY BECOME PART OF ITS DOMESTIC LAW. THIS IS NOT SO IN THE UNITED KINGDOM OR IN ANY OF OUR DEPENDENT TERRITORIES UNLESS LEGISLATION IS PASSED FOR THAT PURPOSE. THE COVENANTS ARE OF COURSE THE MOST WIDE-RANGING INSTRUMENTS EVER ADOPTED IN THE FIELD OF HUMAN RIGHTS. THEY IMPOSE ON STATES PARTIES INTERNATIONAL OBLIGATIONS MORE EXTENSIVE IN A NUMBER OF RESPECTS THAN THOSE IMPOSED BY OTHER HUMAN RIGHTS INSTRUMENTS OF THE UNITED NATIONS AND THE COUNCIL OF EUROPE TO WHICH THE UNITED KINGDOM IS ALREADY A PARTY. IT HAS BEEN THE CONSISTENT POLICY OF SUCCESSIVE UNITED LIMITED OFFICIAL USE

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KINGDOM GOVERNMENTS NOT TO ASSUME INTERNATIONAL LEGAL OBLIGATIONS UNLESS FIRST SATISFIED THAT THESE CAN BE FULFILLED. IN THE AREAS COVERED BY THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE RECORD OF THE UNITED KINGDOM COMPARED VERY FAVORABLY WITH THAT OF OTHER STATES. IN THE GREAT MAJORITY OF MATTERS COVERED BY THE COVENANT ON CIVIL AND POLITICAL RIGHTS, THE LAW AND PRACTICE IN GREAT BRITAIN AND NORTHERN IRELAND WAS SUBSTANTIALLY IN CONFORMITY WITH THE PROVISIONS OF THE COVENANT. BUT WE DID FACE A NUMBER OF DIFFICULTIES--PECULIAR TO THE UNITED KINGDOM--BECAUSE OF NORTHERN IRELAND, OUR IMMIGRATION POLICIES AND OUR CONTINUING RESPONSIBILITY FOR A NUMBER OF DEPENDENT TERRITORIES.

IT WAS DECIDED THAT THE POSITION OF THE UNITED KINGDOM COULD BEST BE REGULARIZED IN RELATION TO EACH OF THE PROVISIONS OF THE COVENANTS WHICH APPEARED TO BE INCONSISTENT WITH EXISTING UNITED KINGDOM OR DEPENDENT TERRITORIES' LAW AND PRACTICE BY: MAKING RESERVATIONS ON RATIFICATION AS TO THE APPLICATION OF SPECIFIC PRO-

VISIONS; RECORDING INTERPRETATIVE STATEMENTS ON RATIFI-

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CATION AS TO THE MEANING AND APPLICATION OF SPECIFIC PROVISIONS; NOTIFYING DEROGATIONS, EITHER ON RATIFICATION OR SUBSEQUENTLY, FROM SPECIFIC PROVISIONS UNDER ARTICLE 4 OF THE COVENANT ON CIVIL AND POLITICAL RIGHTS; ENACTING LEGISLATION IN THE UK OR THE DEPENDENT TERRITORIES EITHER BEFORE RATIFICATION TO ENSURE PRIOR CONFORMITY, OR AFTER RATIFICATION SHOULD THE UK SUBSEQUENTLY BE HELD TO BE IN VIOLATION OF SPECIFIC PROVISIONS.

WE WERE CONSCIOUS OF THE UNDESIRABILITY OF MAKING WIDE-SPREAD RESERVATIONS WHICH WOULD NOT ONLY REDUCE THE IMPACT OF RATIFICATION BUT ALSO ENCOURAGE OTHER STATES TO FOLLOW SUIT, THUS REDUCING THE EFFECTIVE PROTECTION PROVIDED BY THE COVENANTS. IN THE EVENT ONLY THOSE RESERVATIONS CONSIDERED ESSENTIAL (RATHER THAN DESIRABLE) TO PROTECT THE POSITION OF THE UNITED KINGDOM AND THE DEPENDENT TERRITORIES WERE INCLUDED. THE GOVERNMENT ALSO AVAILLED ITSELF OF THE OPTION UNDER ARTICLE 4 OF THE COVENANT ON CIVIL AND POLITICAL RIGHTS TO TAKE AND CONTINUE MEASURES DEROGATING FROM CERTAIN OBLIGATIONS UNDER THE COVENANTS TO THE EXTENT REQUIRED BY THE NORTHERN LIMITED OFFICIAL USE

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IRELAND SITUATION.

UNITED KINGDOM EXCHANGES WITH DEPENDENT TERRITORIES PROVED VERY TIME-CONSUMING AND FINAL REPLIES WERE RECEIVED ONLY A MATTER OF WEEKS BEFORE RATIFICATION. THE PROVISIONS WHICH APPEARED TO CAUSE THE MOST WIDESPREAD DIFFICULTY IN THE DEPENDENT TERRITORIES WERE EQUAL PAY FOR WOMEN, PAID MATERNITY LEAVE AND COMPULSORY FREE PRIMARY EDUCATION UNDER THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND SEGREGATION OF ACCUSED AND CONVICTED PRISONERS, RIGHTS OF APPEAL AGAINST DEPORTATION AND FREE LEGAL AID UNDER THE COVENANT ON CIVIL AND POLITICAL RIGHTS.

ALTHOUGH THE TEXTS OF THE COVENANTS WERE PUT BEFORE PARLIAMENT FOR THE STATUTORY 21 DAYS UNDER THE PONSONBY RULE, THERE WERE NO HEARINGS NOR MAJOR PARLIAMENTARY DEBATES (THE ONE DEBATE BEING THAT OF FEBRUARY 1972) AND THESE WERE NOT A NECESSARY PART OF THE RATIFICATION PROCESS (IN THE UK THIS IS AN EXECUTIVE ACT). THE QUESTION OF RATIFICATIONS WAS RAISED IN THE HOUSE OF COMMONS AT REGULAR INTERVALS THROUGHOUT THE YEARS.

ENCLOSED IS A LIST OF AREAS IN THE COVENANTS REGARDED AT ONE TIME AS BEING OF PARTICULAR DIFFICULTY TO THE UNITED KINGDOM WHICH WAS PREPARED FOR CIRCULATION TO OUR EEC COLLEAGUES IN AUGUST. 1975. THERE ARE SOME GENERAL POINTS WHERE THE PROVISIONS OF THE COVENANTS ARE INHERENTLY UNSATISFACTORY (FOR EXAMPLE, IN REGARD TO PROPAGANDA FOR WAR) OR UNREALISTICALLY BURDENSOME (FOR EXAMPLE, IN REGARD TO TOTAL SEGREGATION OF JUVENILE OFFENDERS).

WE ARE AT THE MOMENT PREPARING OUR FIRST REPORT TO THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. THIS REPORT WILL COVER THE MEASURES WE HAVE ADOPTED WHICH GIVE EFFECT TO THE RIGHTS RECOGNIZED IN THE COVENANT AND ON THE PROGRESS MADE IN THE ENJOYMENT OF THOSE RIGHTS. WE ARE ALSO ASKED TO INDICATE THE FACTORS AND

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DIFFICULTIES AFFECTING THE IMPLEMENTATION OF THE PRESENT COVENANT. END QUOTE

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## Message Attributes

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**To:** STATE  
**Type:** TE  
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